

**REMARKS**

New claims 17-28 have been drafted with the examiner's rejection under 35 U.S.C. 112, second paragraph, of old claims 13 and 14 in mind. Claims 13 and 14 have been cancelled.

New independent claim 17, 21 and 25 have been drafted to incorporate specific structure of a spike mounting plate, a pair of pointed spike members for receipt in a ground surface and a ratchet mounting plate. These three key components hinged together for folding into a compact ground anchor unit for ease in travel and storage. This combination of structure and function is not shown in the cited prior art patents.

In new independent claim 17, a pair of spaced apart spike members are pivotally attached to one end of a spike mounting plate. In a folded position, the pair of spike members are disposed on opposite sides of the spike mounting plate. In an unfolded position, the pair of spike members are disposed downwardly and at an angle to a length of the spike mounting plate. A ratchet mounting plate with ratchet assembly mounted thereon in a folded position is disposed next to a bottom of the spike mounting plate. The ratchet mounting plate in an unfolded position is disposed outwardly from a length of the spike mounting plate, when using the ratchet assembly. This combination of the structure and function of the foldable pair of spike members, the spike mounting plate and the foldable ratchet mounting plate are clearly not shown in the cited prior art patent references.

The primary patent reference to Lozier et al. discloses an anchor for inserting into a side of a building foundation. The reference to Hebbelinck discloses a pair of bolts with threaded nuts for securing a temporary structure. The patent reference to Colglazier et al. discloses a fixed hook with a pair of bills. None of these patent references disclose a pair

of pointed spike members that can be folded next to a spike mounting plate along with a foldable ratchet mounting plate with ratchet assembly for storage or travel. The spike members then unfolded at an angle to the spike mounting plate for inserting into a ground surface, when using the ratchet assembly. Claim 17 should be allowed.

Claims 18-20 are dependent on the patentable structure of claim 17. These claims should be allowed.

Independent claim 21 is similar to claim 17 and includes the feature of the pair of spike members disposed at approximately 90 degrees from the length of the spike mounting plate when in an unfolded position. Also, the ratchet assembly is disposed approximately parallel to a length of the spike mounting plate when in an unfolded position. These features are clearly shown in FIG. 2 of the drawings. The above remarks related to claim 17 also apply to claim 21. Claim 21 should be allowed.

Claims 22-24 are dependent on the patentable structure of claim 17. These claims should be allowed.

Independent claim 25 is similar to claim 17 and includes the detailed structure of the first and second pivot pins, crossbar and pin housing used for pivotally attaching the pointed spike members and the ratchet mounting plate to opposite ends of the spike mounting plate. This detailed structure is certainly not shown in the cited prior art references. The above remarks related to claim 17 also apply to claim 25. Claim 25 should be allowed.

Claims 26-28 are dependent on the patentable structure of claim 25. These claims should be allowed.

**CONCLUSION**

Re-examination, reconsideration and allowance of the application are requested in view of the foregoing remarks and the new claims as presented. Should the examiner have any questions regarding this amendment it is urged that he contact the undersigned.

Respectfully submitted,

Edwin H. Crabtree

Edwin H. Crabtree, Patent Attorney  
Registration Number 26,720  
3773 Cherry Creek N. Dr. Suite 575  
Denver, Colorado 80209  
303 322 7460

**CERTIFICATE OF RECEIPT BY FACSIMILE**  
**UNDER 37 CFR 1.6**

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Art Unit: 3634, Fax: 1-703-872-9306. Alexandria, Virginia 22313 on March 15, 2005.

Date: 3/15/2005 Edwin H. Crabtree  
Applicant's Attorney



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/27/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

*[Signature]*  
Legal Instruments Examiner (LIE)

703 - 308 - 0690  
Telephone No.

# 10718458

Rev. 6/04